

# SB1226



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1226

Introduced 2/8/2011, by Sen. Edward D. Maloney

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/34-21.1

from Ch. 122, par. 34-21.1

Amends the Chicago School District Article of the School Code. Limits enrollment in the agricultural science school to 720 (instead of 600) students.

LRB097 06467 NHT 46549 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section  
5 34-21.1 as follows:

6 (105 ILCS 5/34-21.1) (from Ch. 122, par. 34-21.1)

7 Sec. 34-21.1. Additional powers. In addition to other  
8 powers and authority now possessed by it, the board shall have  
9 power:

10 (1) To lease from any public building commission created  
11 pursuant to the provisions of the Public Building Commission  
12 Act, approved July 5, 1955, as heretofore or hereafter amended  
13 or from any individuals, partnerships or corporations, any real  
14 or personal property for the purpose of securing space for its  
15 school purposes or office or other space for its administrative  
16 functions for a period of time not exceeding 40 years.

17 (2) To pay for the use of this leased property in  
18 accordance with the terms of the lease and with the provisions  
19 of the Public Building Commission Act, approved July 5, 1955,  
20 as heretofore or hereafter amended.

21 (3) Such lease may be entered into without making a  
22 previous appropriation for the expense thereby incurred;  
23 provided, however, that if the board undertakes to pay all or

1 any part of the costs of operating and maintaining the property  
2 of a public building commission as authorized in subparagraph  
3 (4) of this Section, such expenses of operation and maintenance  
4 shall be included in the annual budget of such board annually  
5 during the term of such undertaking.

6 (4) In addition, the board may undertake, either in the  
7 lease with a public building commission or by separate  
8 agreement or contract with a public building commission, to pay  
9 all or any part of the costs of maintaining and operating the  
10 property of a public building commission for any period of time  
11 not exceeding 40 years.

12 (5) To enter into agreements, including lease and lease  
13 purchase agreements having a term not longer than 40 years from  
14 the date on which such agreements are entered into, with  
15 private sector individuals, partnerships, or corporations for  
16 the construction of school buildings, school administrative  
17 offices, site development, and school support facilities. The  
18 board shall maintain exclusive possession of all schools,  
19 school administrative offices, and school facilities which it  
20 is occupying or acquiring pursuant to any such lease or lease  
21 purchase agreement, and in addition shall have and exercise  
22 complete control over the education program conducted at such  
23 schools, offices and facilities. The board's contribution  
24 under any such agreement shall be limited to the use of the  
25 real estate and existing improvements on a rental basis which  
26 shall be exempt from any form of leasehold tax or assessment,

1 but the interests of the board may be subordinated to the  
2 interests of a mortgage holder or holders acquired as security  
3 for additional improvements made on the property.

4 (6) To make payments on a lease or lease purchase agreement  
5 entered into pursuant to subparagraph (5) of this Section with  
6 an individual, partnership, or a corporation for school  
7 buildings, school administrative offices, and school support  
8 facilities constructed by such individual, partnership, or  
9 corporation.

10 (7) To purchase the interests of an individual,  
11 partnership, or corporation pursuant to any lease or lease  
12 purchase agreement entered into by the board pursuant to  
13 subparagraph (5) of this Section, and to assume or retire any  
14 outstanding debt or obligation relating to such lease or lease  
15 purchase agreement for any school building, school  
16 administrative office, or school support facility.

17 (8) Subject to the provisions of subparagraph (9) of this  
18 Section, to enter into agreements, including lease and lease  
19 purchase agreements, having a term not longer than 40 years  
20 from the date on which such agreements are entered into for the  
21 provision of school buildings and related property and  
22 facilities for an agricultural science school. The enrollment  
23 in such school shall be limited to 720 ~~600~~ students. Under such  
24 agreements the board shall have exclusive possession of all  
25 such school buildings and related property and facilities which  
26 it is occupying or acquiring pursuant to any such agreements,

1 and in addition shall have and exercise complete control over  
2 the educational program conducted at such school. Under such  
3 agreements the board also may lease to another party to such  
4 agreement real estate and existing improvements which are  
5 appropriate and available for use as part of the necessary  
6 school buildings and related property and facilities for an  
7 agricultural science school. Any interest created by such a  
8 lease shall be exempt from any form of leasehold tax or  
9 assessment, and the interests of the board as owner or lessor  
10 of property covered by such a lease may be subordinated to the  
11 interests of a mortgage holder or holders acquired as security  
12 for additional improvements made on the property. In addition,  
13 but subject to the provisions of subparagraph (9) of this  
14 Section, the board is authorized: (i) to pay for the use of  
15 school buildings and related property and facilities for an  
16 agricultural science school as provided for in an agreement  
17 entered into pursuant to this subparagraph (8) and to enter  
18 into any such agreement without making a previous appropriation  
19 for the expense thereby incurred; and (ii) to enter into  
20 agreements to purchase any ownership interests in any school  
21 buildings and related property and facilities subject to any  
22 agreement entered into by the board pursuant to this  
23 subparagraph (8) and to assume or retire any outstanding debt  
24 or obligation relating to such school buildings and related  
25 property and facilities.

26 (9) Notwithstanding the provisions of subparagraph (8) of

1 this Section or any other law, the board shall not at any time  
2 on or after the effective date of this amendatory Act of 1991  
3 enter into any new lease or lease purchase agreement, or amend  
4 or modify any existing lease, lease purchase or other agreement  
5 entered into pursuant to subparagraph (8), covering all or any  
6 part of the property or facilities, consisting of 78.85 acres  
7 more or less, heretofore purchased or otherwise acquired by the  
8 board for an agricultural science school; nor shall the board  
9 enter into any agreement on or after the effective date of this  
10 amendatory Act of 1991 to sell, lease, transfer or otherwise  
11 convey all or any part of the property so purchased or  
12 acquired, nor any of the school buildings or related facilities  
13 thereon, but the same shall be held, used, occupied and  
14 maintained by the board solely for the purpose of conducting  
15 and operating an agricultural science school. The board shall  
16 not, on or after the effective date of this amendatory Act of  
17 1991, enter into any contracts or agreements for the  
18 construction, alteration or modification of any new or existing  
19 school buildings or related facilities or structural  
20 improvements on any part of the 78.85 acres purchased or  
21 otherwise acquired by the board for agricultural science school  
22 purposes, excepting only those contracts or agreements that are  
23 entered into by the board for the construction, alteration or  
24 modification of such school buildings, related facilities or  
25 structural improvements that on the effective date of this  
26 amendatory Act of 1991 are either located upon, under

1 construction upon or scheduled under existing plans and  
2 specifications to be constructed upon a parcel of land,  
3 consisting of 17.45 acres more or less and measuring  
4 approximately 880 feet along its northerly and southerly  
5 boundaries and 864 feet along its easterly and westerly  
6 boundaries, located in the northeast part of the 78.85 acres.  
7 Nothing in this subparagraph (9) shall be deemed or construed  
8 to alter, modify, impair or otherwise affect the terms and  
9 provisions of, nor the rights and obligations of the parties  
10 under any agreement or contract made and entered into by the  
11 board prior to the effective date of this amendatory Act (i)  
12 for the acquisition, lease or lease purchase of, or for the  
13 construction, alteration or modification of any school  
14 buildings, related facilities or structural improvements upon  
15 all or any part of the 78.85 acres purchased or acquired by the  
16 board for agricultural science school purposes, or (ii) for the  
17 lease by the board of an irregularly shaped parcel, consisting  
18 of 23.19 acres more or less, of that 78.85 acres for park board  
19 purposes.

20 (Source: P.A. 91-357, eff. 7-29-99.)